

Introduced by Senator Benoit

(Principal coauthor: Senator Romero)

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(Coauthors: Assembly Members Anderson, DeVore, Fuller, Gilmore, Hagman, Knight, Nielsen, Silva, and Yamada)

January 6, 2009

An act to amend Section 1799.102 of the Health and Safety Code, relating to personal liability.

LEGISLATIVE COUNSEL'S DIGEST

SB 39, as amended, Benoit. Torts: personal liability immunity.

Existing law requires that any person, who in good faith and not for compensation, renders emergency medical care at the scene of an emergency shall not be liable for any civil damages resulting from any act or omission.

This bill would enact the Good Samaritan Protection Act which would ~~provide that any person, who in good faith and not for compensation, renders emergency medical or nonmedical care at the scene of an emergency shall not be liable for any civil damages resulting from any act or omission~~ *instead provide that medical, law enforcement, and emergency personnel who in good faith, and not for compensation render emergency care at the scene of an emergency shall not be liable for any civil damages resulting from any act or omission.*

This bill would also provide that any person, not including medical, law enforcement, and emergency personnel, who in good faith, and not for compensation, renders emergency medical or nonmedical care or assistance at the scene of an emergency shall not be liable for any civil damages resulting from any act or omission, as long as that act or omission does not constitute gross negligence or willful or wanton misconduct.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Good Samaritan Protection Act.

3 SEC. 2. Section 1799.102 of the Health and Safety Code is
4 amended to read:

5 1799.102. (a) No person who in good faith, and not for
6 compensation, renders emergency ~~medical or nonmedical~~ care at
7 the scene of an emergency shall be liable for any civil damages
8 resulting from any act or omission. The scene of an emergency
9 shall not include emergency departments and other places where
10 medical care is usually offered. *This subdivision applies only to*
11 *the medical, law enforcement, and emergency personnel specified*
12 *in this chapter.*

13 (b) (1) *It is the intent of the Legislature to encourage other*
14 *individuals to volunteer, without compensation, to assist others in*
15 *need during an emergency, while ensuring that those volunteers*
16 *who provide care or assistance act responsibly.*

17 (2) *Except for those persons specified in subdivision (a), no*
18 *person who in good faith, and not for compensation, renders*
19 *emergency medical or nonmedical care or assistance at the scene*
20 *of an emergency shall be liable for civil damages resulting from*
21 *any act or omission other than an act or omission constituting*
22 *gross negligence or willful or wanton misconduct. The scene of*
23 *an emergency shall not include emergency departments and other*
24 *places where medical care is usually offered. This subdivision*
25 *shall not be construed to alter existing protections from liability*
26 *for licensed medical or other personnel specified in subdivision*
27 *(a) or any other law.*

1 (c) *Nothing in this section shall be construed to alter any*
2 *existing legal duties or obligations. The amendments to this section*
3 *made by the act adding this subdivision shall apply exclusively to*
4 *any legal action filed on or after January 1, 2010.*

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